

**U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

FILED  
CLERK'S OFFICE  
2005 MAR 16 P 2:21

**05 10612 DPW** Civil No. U.S. DISTRICT COURT  
DISTRICT OF MASS

Robert J. Gallagher  
Plaintiff

Jury Trial Demanded

Citizens Bank of Massachusetts\*  
Defendant

MAGISTRATE JUDGE A. Kunkel

RECEIPT # 63069  
AMOUNT \$ 50  
SUMMONS ISSUED Y  
LOCAL RULE 4.1         
WAIVER FORM         
MCF ISSUED         
BY DPTY. CLK         
DATE 3/15/05

**Complaint**

Now comes the Plaintiff (P) and states the following:

(1) P is Robert J. Gallagher of 688 Boston Post Rd. East, Unit 103, Marlborough MA. 01752.

(2) P is a Massachusetts State-Certified Educator (#71573) in Administration, Middle School, Elementary School, Math, English, Social Studies, and Latin.

(3) P is an Episcopal Priest in good-standing with the Episcopal Diocese of Massachusetts.

(4) P holds degrees of Doctor of Law '98, Doctor of Ministry '86, Master of Divinity '81, Master of Arts in U.S. History '77, Master of Education '66, and Bachelor of Arts '63.

(5) D is Citizens Bank of Massachusetts\*, 500 Boston Post Rd, Marlborough MA 01752, i.e. Citizens Financial Group, Inc.- a \$137 billion commercial bank holding company, headquartered in Providence, R.I., with more than 1,600 branches. It operates its 13-state branch network in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and has non-branch offices in more than 30 states. Citizens is owned by RBS (The Royal Bank of Scotland Group).

(6) On or about February 15, 2005, and several days subsequent, P was in frequent telephone communications with Debbie Megrdichian of Citizens Bank of Massachusetts for a \$110,000 equity loan.

(7) The loan was intended to: (a) pay off the balance of the current mortgage with Countrywide @ circa \$90,000; (b) pay off a AAA credit card charge which was used for purchase of a 2003 Monte Carlo @ circa \$10,000; and, (3) the remainder for home investment repair @ circa \$10,000.

(8) Bank Representative Megrdichian quoted P the APR of 0474, i.e., prime - 5.1 = 0474. She added that the highly-competitive Citizens would assume any and all closing costs.

(9) Originally P had not included several revenue sources that would include

both church and state income but once done, the loan was approved.

(10) After several faxes in which P cited 0474 APR repeatedly, without any objection from any bank officials or representatives, D set up a March 11, 2005 closing date. P offered to close the loan at an earlier date lest the prime rise, but was assured that March 11 date had taken prime into full consideration.

(11) For several days prior to March 11, P telephoned D and was assured that 0474 was still the APR and that March 11 was the closing date, i.e., that there was no need to close prior to that date in order to retain 0474 APR.

(12) On March 11, P met with D at which time D breached the original contract. P was told that APR was now **marginally at 5 percent**. Representative telephoned a resource at a "black and white dinner" and the higher APR was defined as final.

(13) P was told that "rather than come back," he could sign then and there "with three days to revoke."

(14) P refused to enter into such ill-advised transaction and informed D that there were two serious issues involved: deceptive practice regarding APR, and D had been told from the very start that the loan needed to take effect prior to March 15 when AAA Credit Card Services would begin charging anywhere from 9% to 18% interest on what would have been paid off by the loan.

(15) P informed D that he would hold Citizens responsible for reimbursement for any and all AAA interest amounts (P has not accrued any interest thus far) as well as for the money differences between mortgage company interest rate of 6% and the promised Citizens rate of 0474.

(16) Bank Representative apologized but was adamant about the higher APR rate.

(17) This Honorable Court has jurisdiction given the nature of Citizens Bank of Massachusetts.

## Summary

Citizens Bank of Massachusetts (D), from day one up to the beginning of closing, cited 0474 APR for \$110,000+ loan. D also never contradicted faxes in which P cited that rate. But at the closing itself, without notification whatsoever and with full knowledge that P was pressed for time with AAA payoff interest and Countrywide payoff interest, upped the APR to a marginal 5%.

## Relief Sought

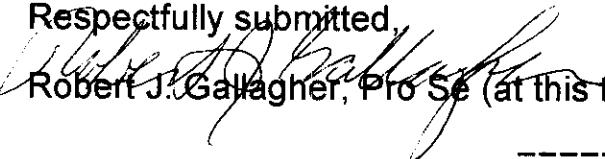
As a result of this unfair and/or deceptive act and/or practice- effective March 15, 2005- P will suffer loss of AAA per diem interest rate 9%-18% payments on \$10,000+ as well as immediate (March 12, 2005) increase in mortgage payment interest fees based upon the difference in the current mortgage company loan with Countrywide and the agreed-upon contract with Citizens. The exact amount of damages is tenuous due to the detailed intricacies of such transactions and due

to the length of per diem fees that P will be required to pay but Citizens is well-equipped to ascertain what these specific damages would be.

**Therefore, Plaintiff seeks the following relief:**

- (1) Specific Performance of the original terms of the original agreement.
- (2) Reimbursement of per diem interest acquired by P on the 3/11/05 \$9612.75 balance via AAA VISA Credit Card, which would have been paid off had P kept its word, such per diem reimbursement ending on the day of settlement.
- (3) Reimbursement of increased interest and penalties resulting from the difference between the conditions of the Countrywide Loan and the Citizens promised loan, effective March 11, 2005.
- (4) \$100,000 exemplary damages for deceptive business practices and breach of contract.
- (5) Court costs, sheriff's service of process, and attorney fees.
- (6) Any other action which this Honorable Court may deem right and just.

Respectfully submitted,

  
Robert J. Gallagher, Pro Se (at this time) 3/15/05

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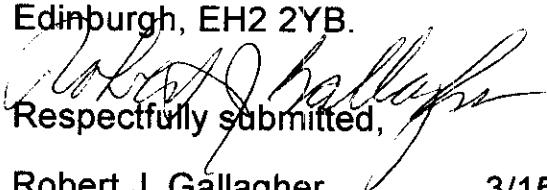
I hereby certify that a true copy of the above document was served upon the following via first-class mail on March 14, 2005:

Citizens Bank of Massachusetts  
500 Boston Post Rd  
Marlborough MA 01752

Citizens Bank of Rhode Island (Headquarters)  
One Citizens Plaza  
Providence, RI 02903

Citizens Bank of Massachusetts  
28 State St.  
Boston, MA 02109

The Royal Bank of Scotland  
Registered Office: 36 St Andrew Square  
Edinburgh, EH2 2YB.

  
Respectfully submitted,

Robert J. Gallagher 3/15/05

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) ROBERT J. GALLAGHER V.  
NEW PHARM. NET FILED  
CLERK'S OFFICE

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

UNITED STATES DISTRICT COURT  
\*Also complete AC 120 of L.R. 40.1(2)  
for patent, trademark & copyright cases

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES  NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES  NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES  NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES  NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)). UNKNOWN - DEFENDANT IGNORES EMAIL REQUESTS FOR BUSINESS AND MAILING ADDRESSES

YES  NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

(ATTORNEY'S NAME) PRO SE - ROBERT J. GALLAGHER OTT52  
 ADDRESS 688 BOSTON POST RD E-UNIT 103 MARLBOROUGH MA  
 TELEPHONE NO. 508/786-0848

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

ROBERT J. GALLAGHER

(b) County of Residence of First Listed Plaintiff MIDDLESEX  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorney's (Firm Name, Address, and Telephone Number)  
PRO SE 508-786-0848  
688 BOSTON POST RD E-UNIT 103  
MAIL BOROUGH MA 01752

## DEFENDANTS

NEW PHARM. INC. MAR 29 A 1147  
RALPH JORDAN@ NEWPHARM.NE

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.DEFENDANT'S WILL NOT PROVIDE BUSINESS  
Attorneys (If Known) OR MAILING ADDRESS

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>LABOR</b>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>HABEAS CORPUS:</b>	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 530 General	<input type="checkbox"/> 876 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability		<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**FEDERAL AND MASS FAIR DEBT ACT / FED LAW'S GOVERNING USE OF TELEPHONE**  
 Brief description of cause:  
**USE OF TELEPHONE/FAX TO PERFORM FALSE REPORTS, CHARLES SLANDER THREATS**

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint: **INTIMIDATION**  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/23/05 Robert Gallagher, Esq.  
FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE